

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

INNOMARK COMMUNICATIONS, LLC,	:	Case No. 1:16-cv-01057
Plaintiff,	:	Judge Timothy S. Black
v.	:	
MARK N. MARTH,	:	
Defendant.	:	

**DECLARATION OF MARK MARTH
IN SUPPORT OF DEFENDANT'S REQUEST FOR STATUS CONFERENCE**

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

I, Mark Marth, am of legal age and competent to testify on the matters stated below.

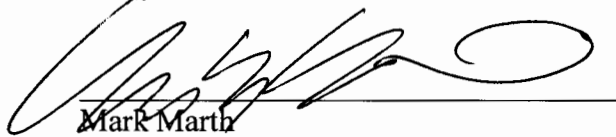
1. I am the Defendant in the above referenced lawsuit. I am over the age of 18 years old. The facts stated herein are based upon my own personal knowledge.

2. I resigned from my job at Infinity Images on December 2, 2016.

3. At the time I went to work for Infinity Images, I did not realize that I was bound by a non-compete. I reviewed my Employment Agreement with Innomark Communications, LLC, and found that it did not contain a non-compete. I did not think to review documents relating to the then-defunct Innomark West to determine if they included a non-compete. Indeed, I was under the impression that non-competes were not enforceable in California.

Pursuant to 28 U.S.C. § 1746, I, Mark Marth, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29th day of December, 2016 at Los Angeles, California.



Mark Marth